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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,856	04/09/1999	TETSURO NAGATSUKA	0557-4645-2	7945
22850	7590	09/05/2003		EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				RIMELL, SAMUEL G
			ART UNIT	PAPER NUMBER
			2175	
DATE MAILED: 09/05/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/288,856	NAGATSUKA ET AL.
	Examiner Sam Rimell	Art Unit 2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,7-25 and 42-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 12, 14-25, 44, 46-49 is/are allowed.
- 6) Claim(s) 1-3,7-11,13,42,43,45 and 50 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 50 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 50: Claim 50 calls for a document having a plurality of items "which are irrespective of chapters, clauses, sentences and paragraphs of the document." As understood, this appears to be stating that the document itself does not have chapters, clauses sentences and paragraphs. However, the original disclosure of the present application is not found to contain a statement that the documents lack all of these features. FIGS 5-6 of applicant's disclosure show exemplary documents, each of which have chapters, clauses, sentences and paragraphs.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 50 is rejected under 35 U.S.C. 101 because the claimed invention is inoperative and therefore lacks utility.

Claim 50: Claim 50, as understood, calls for a classification system that classifies documents that do not contain any clauses. Since any data in a document could be considered a "clause", a document lacking clauses is essentially a document devoid of any data. A classification system cannot classify documents that are devoid of data. The documents must contain a minimal amount of data or information in order to permit classification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7-11, 13, 42, 43, 45, 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Numata (U.S. Patent 5,943,669).

Claim 1: Reference is made to FIG. 1, and its associated discussion at col. 5, line 42 through col. 6, line 28. Numata discloses inputting means (document storage section 1); designating means (classification unit designation section 2) which designate specific sections of a document; converting means (fundamental vector generation section 4) which parses the document into the discrete sections designated by the designating means (2) and generates fundamental vectors, which are the converted data; and classifying means (classification section 8) which classifies the document using the converted data. A display means is provided by the display section (10) and its supporting programming (blocks 12a, 12b, 12c).

Claim 2: Numata discloses a document vector producing means (vector synthesis section 6 and composite vector maintenance section 7) which produces, combines and stores synthesized feature vectors that are used by the classification section in classifying the document.

Claim 3: Col. 5, line 54 states that the converting means (4) partitions the documents by means of the classification units. FIG. 12 illustrates the inclusion of symbols, such as “title”, “head” and “body” which illustrate the partitioned sections.

Claim 7: See remarks for claim 1.

Claim 8: See remarks for claim 2.

Claim 9: See remarks for claim 3.

Claim 10: FIG. 1 of Numata discloses input means (1) for inputting a document, analysis means (3) for analyzing the content of a document; vector producing means (4, 5) for generating two types of document vectors; transforming function calculating means (equation 18 shown at col. 25, line 67), vector transforming means (6), classification means (8) for classifying the document and classification result storing means (9). Note that the transforming function calculating means (equation 18 at col. 25, line 67) will produce a dimensional number (T) that is different from the dimensional numbers (F, G and H) that represent vectors input into the equation.

Claim 11: Any of the formulas (18) or (19) illustrated in col. 25, line 67 through col. 26, line 11 read as the inner product calculating means. Without detail on what formula is actually used to perform the calculation, any mathematical formula utilizing the feature vectors would read on this phrase.

Claim 13: Numata discloses vector storing means (7). The transforming function is part of the computer program that classifies the document. Thus, whichever system is storing the computer program is also storing the transforming function.

Claim 42: See remarks for claim 10.

Claim 43: See remarks for claim 11.

Claim 45: See remarks for claim 13.

Claim 50: See remarks for claim 1. Claim 50 only differs from claim 1 in its recitation of "items which are irrespective of chapters, clauses, sentences and paragraphs of the document.." This recitation has been indicated as being new matter, and has not been considered.

Claims 12, 14-25, 44 and 46-49 are allowable over the prior art of record.

Remarks

Applicant's arguments are based upon the amendments to claims 1, 7, 10 and 42. In summary, applicant argues that Numata lacks a displaying means, and further lacks a calculating means that produces a dimensional number different from the dimensional numbers of document feature vectors. Examiner maintains that both of these features reside in Numata. In particular, Numata discloses a display means (10, 12a, 12b, 12c) in FIG. 1. Numata further discloses a calculating means (equation 18 at col. 25, line 67) that produces a dimensional number (T) which will be different than the dimensional numbers input into the equation (F, G and H) and which correspond to document vectors.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2175

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175